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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,386	10/29/2003	Sean Slavin	WOND-005/01US (238062-201	6356

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EXAMINER	
BAROT, BHARAT	
ART UNIT	**PAPER NUMBER**
2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/696,386	SLAVIN ET AL.	
	Examiner	Art Unit	
	Bharat N. Barot	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,7-11,13,16 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,7-11,13,16 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. Claims 1-2, 4, 7-11, 13, 16, and 23 remain for further examination.

The new grounds of rejection

2. Applicant's arguments with respect to claims 1-2, 4, 7-11, 13, 16, and 23 filed on December 08, 2006 have been fully considered but they are not deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103(a)

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 4, 7-11, 13, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over OPC Overview (Version 1.0) in view of Crater et al (U.S. Patent No. 7,146,408).

5. As to claim 1, OPC Overview teaches a method for communicating with a factory automation control system (data server) via remote computers (client applications) (see page 1 OPC Background; and page 2 figure 1-1), the remote computers including an

object container (see page 2 figure 1-1; and page 3 The Current Client Application architecture, OPC Overview disclose a client application including drivers), the method comprising: requesting, via at least one of the remote computers, factory automation control system information, the factory automation control system is configured to control an industrial process; receiving, from the factory automation control system, the factory automation control system information at the object container (see pages 2-5; and figures 1-1 and 1-3); and running a software application in the object container so as to enable a user at the at least one of the remote computers to view the received factory automation control system information (see pages 3-4 and 6-7; and figures 1-2, 1-3,2-1, -2, and 2-3).

However, OPC Overview does not teach that running an ActiveX control within a web browser in the object container; requesting a web page, the web page being hosted by the factory automation control system; and displaying the received factory automation control system information via the web page.

Crater et al explicitly teach a method for communicating with a factory automation control system (server) via a remote computer (client) (see figures 1-2; and column 6 line 58 to column 7 line 7), the remote computer including an object container (browser) (see figure 2; and column 10 lines 5-37); and also explicitly teach that running an ActiveX control within a web browser in the object container so as to enable a user at the remote computer to view the received factory automation control system information (column 5 line 13 to column 6 line 27; and column 12 lines 30-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Crater et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of remotely monitoring and controlling the condition or status of a number of devices of the factory automation control system in the network.

Crater et al also teach that the requesting includes requesting a web page, the web page being hosted by the factory automation control system; and displaying the received factory automation control system information via the web page (figure 1; column 6 lines 37-57; and column 8 line 16 to column 9 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Crater et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of remotely monitoring and controlling the condition or status of a number of devices by displaying all information through web page.

6. As to claim 2, Crater et al teach that generating control instructions with the ActiveX control; and sending the control instructions to the factory automation control system, the control instructions effect changes in the industrial process (column 5 line 13 to column 6 line 27; and column 12 lines 30-50).

7. As to claim 4, OPC Overview teaches that the received factory automation control system information includes information selected from the group consisting of alarm information and history information (see pages 2, 5, and 7-8).

8. As to claims 7-9, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 4 above, since claims 7-9 are merely an apparatus for the method of operation defined in the method claims 1-2 and 4.

Additionally, Crater et al disclose an input/output (I/O) unit, the I/O unit is configured to communicate with a corresponding node in the industrial process and is capable of generating process data (see figure 1; and columns 7-9); a data handler; an Internet server application program interface (ISAPI) configured to receive a request from the remote computer system for the process data and send the request to the data handler, the data handler being configured to retrieve the process data from the I/O unit in response to the request; and the local software application is configured to send the process data to the remote computer system (see figures 1-2; and columns 5-6 and 10).

9. As to claims 10-11 and 13, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 4 above, since claims 10-11 and 13 are merely a program product for the method of operation defined in the method claims 1-2 and 4.

10. As to claim 16, it is also rejected for the same reasons set forth to rejecting claims 1-2 and 4 above.

Additionally, Crater et al teach that modifying an object container so that the object container includes an ActiveX control object; and the object container is a web browser (see figure 2; column 5 line 13 to column 6 line 27; column 10 lines 5-37; and column 12 lines 30-50). Additionally, OPC Overview also discloses that the object container is a web browser (see pages 1 and 11).

11. As to claim 23, it is also rejected for the same reasons set forth to rejecting claims 16 above.

Additionally, OPC Overview teaches that the first computer including a deskbound application configured to monitor a factory automation control system at the industrial facility; and the second (remote) computer including an object container for executing an instance of the deskbound application (see pages 2-4 and 6-9); and Crater et al also teach that the second (remote) computer including a web browser and an ActiveX component for executing an instance of the deskbound application; and the ActiveX component displays a display output of the deskbound application in the web browser (see figure 2; column 5 line 13 to column 6 line 27; column 10 lines 5-37; and column 12 lines 30-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Crater et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of

remotely monitoring and controlling the condition or status of a number of devices of the factory automation control system in the network.

Response to Arguments

12. Applicant's arguments with respect to claims 1-2, 4, 7-11, 13, 16, and 23 filed on December 08, 2006 have been fully considered but they are not deemed to be persuasive for the claims 1-2, 4, 7-11, 13, 16, and 23 and moot in view of the new grounds of rejection.

13. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

February 20, 2007